

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN JUSTIN BROWNLEE

Plaintiff,

v.

J. BURNES, M. RIVERA, P.  
RODRIGUEZ, and J.J. FLORES,

Defendants.

Case No. 1:23-cv-00376-HBK (PC)

ORDER GRANTING MOTION FOR  
EXTENSION OF TIME

(Doc. No. 32)

ORDER REFERRING CASE TO EARLY ADR

ORDER DIRECTING CLERK TO STAY  
CASE UNTIL FURTHER ORDER OF COURT

DEADLINE TO OPT OUT DUE BY:

JUNE 11, 2024

Plaintiff Benjamin Justin Brownlee is a state prisoner proceeding pro se and *in forma pauperis* on his First Amended Complaint brought pursuant to 42 U.S.C. § 1983. (Doc. No. 18). As set forth in the Court's October 18, 2023 Findings and Recommendation, Plaintiff's First Amended Complaint stated cognizable Eighth Amendment excessive use of force claims against Defendants Burnes, Rivera, Rodriguez, and Flores; Eighth Amendment sexual assault claims against Defendants Rivera and Rodriguez; and an Eighth Amendment failure to intervene claim against Defendant Flores. (Doc. Nos. 21, 23) Defendants seek an extension of time within which to file a response to the First Amended Complaint. (Doc. No. 32).

1 The Court refers all civil rights cases filed by pro se individuals to early Alternative  
2 Dispute Resolution (ADR) to try to resolve such cases more expeditiously and less expensively.  
3 *See also* Local Rule 270. In appropriate cases, defense counsel from the California Attorney  
4 General's Office have agreed to participate in early ADR. No claims, defenses, or objections are  
5 waived by the parties' participation.

6 Attempting to resolve this matter early through settlement now would save the parties the  
7 time and expense of engaging in lengthy and costly discovery and preparing substantive  
8 dispositive motions. The Court therefore will STAY this action for 90 DAYS to allow the parties  
9 an opportunity to investigate Plaintiff's claims, meet and confer, and engage in settlement  
10 discussions, or agree to participate in an early settlement conference conducted by a magistrate  
11 judge. If after investigating Plaintiff's claims and meeting and conferring, either party finds that a  
12 settlement conference would be a waste of resources, the party may opt out of the early settlement  
13 conference.

14 Accordingly, it is **ORDERED**:

15 1. This action will remain **STAYED until further order** to allow the parties an  
16 opportunity to settle their dispute. Defendants' motion for extension of time (Doc. No. 32) is  
17 GRANTED to the extent that Defendants may, but are not required, to file a response to the  
18 operative complaint during the stay. The parties may not file other pleadings or motions during  
19 the stay period. Further, the parties shall not engage in formal discovery until the Court issues a  
20 Scheduling and Discovery Order.

21 2. **Within 90 days** from the date on this Order, or no later than June 11, 2024, the  
22 parties shall file a notice if they object to proceeding to an early settlement conference or if they  
23 believe that settlement is not currently achievable.

24 3. If neither party has opted out of settlement by the expiration of the objection  
25 period, the Court will assign this matter by separate Order to a United States Magistrate Judge,  
26 other than the undersigned, for conducting the settlement conference.

27 4. If the parties reach a settlement prior to the settlement conference, they SHALL  
28 file a Notice of Settlement as required by Local Rule 160.

1           5.       The Clerk of Court shall STAY THIS ACTION for all purposes until further  
2 order by this Court.

3  
4 Dated: March 11, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE